

## **REMARKS**

In the office action of March 2, 2009, the Examiner rejected the claims over Griffin. Applicant has amended the claims to distinguish over the cited art. The claims have been amended to recite that the topographical features are first and second uniform series of features, and that the first and second series of features extend to different first and second depths.

Support for the claimed features is found in Figures 5C and 5D.

It is also believed that the claim amendments overcome the §112 rejection and the double patenting rejection.

Applicant relies upon the ordinary dictionary definition of the amended terms. The Merriam Webster online dictionary defines uniform as:

1 : having always the same form, manner, or degree : not varying or variable <uniform procedures> 2 : consistent in conduct or opinion <uniform interpretation of laws> 3 : of the same form with others : conforming to one rule or mode : consonant 4 : presenting an unvaried appearance of surface, pattern, or color <uniform red brick houses> 5 : relating to or being convergence of a series whose terms are functions in such manner that the absolute value of the difference between the sum of the first  $n$  terms of the series and the sum of all terms can be made arbitrarily small for all values of the domain of the functions by choosing the  $n$ th term sufficiently far along in the series

The term series is defined as:

1 a: a number of things or events of the same class coming one after another in spatial or temporal succession <a concert series> <the hall opened into a series of small rooms> b: a set of regularly presented television programs each of which is complete in itself 2: the indicated sum of a usually infinite sequence of numbers 3 a: the coins or

currency of a particular country and period b: a group of postage stamps in different denominations4: a succession of volumes or issues published with related subjects or authors, similar format and price, or continuous numbering5: a division of rock formations that is smaller than a system and comprises rocks deposited during an epoch6: a group of chemical compounds related in composition and structure7: an arrangement of the parts of or elements in an electric circuit whereby the whole current passes through each part or element without branching — compare parallel

Thus, the claims recite a number of topographical features which are of consistent size and occurring one after another in consistent spacing.

The Griffin reference (GB 2283772) teaches holes which are randomly distributed and at random depths. Page 3-4 of the reference explains that the random positioning and depth are used for preventing crack propagation (a primary purpose of the Griffin invention) where uniform features such as grooves encourage crack propagation. Applicant thus believes that the Griffin reference teaches away from the claims as amended, and it would not be obvious in light of Griffin to include the uniform series of features as recited.

Additionally, it would not be obvious to use the concentric features as is claimed, as this would give multiple depths at a same feature location and might encourage crack propagation contrary to the designs of Griffin.

Applicant thus believes that the claims are allowable over the cited art. Applicant has submitted and paid for a request for continued examination herewith.

The Commissioner is hereby authorized during the entire pendency of this application to credit any overpayment and debit any amount owing, including fees for extensions of time, to Deposit Account No. 50-2720.

Sincerely,

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